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9 COLMAR PROPERTIES, LLC and
COLEMAN D. MOORE,

10 Plaintiffs,
11 v.

12 UNITED STATES OF AMERICA,
13 Defendant

No. C-05-0912 MMC

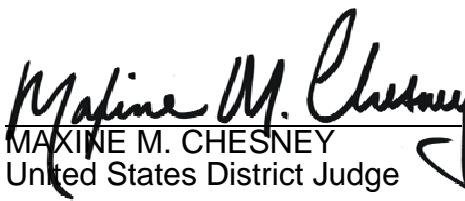
**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS FIRST AMENDED
COMPLAINT**

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15 Before the Court is defendant's motion to dismiss plaintiff Colmar Properties, LLC's
16 ("Colmar") First Amended Complaint for improper venue,¹ which motion is included in
17 defendant's supplemental memorandum filed March 23, 2006. Colmar has filed a
18 response, indicating that Colmar does not oppose dismissal for improper venue

19 Accordingly, defendant's motion is hereby GRANTED, and the First Amended
20 Complaint is DISMISSED, without prejudice to Colmar's refiling its claims in the Eastern
21 District of California.

22 **IT IS SO ORDERED.**

23 Dated: May 10, 2006


24 MAXINE M. CHESNEY
25 United States District Judge

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28 ¹The claims of the other named plaintiff, Coleman D. Moore, were dismissed by
order filed March 21, 2006.